

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL KELLY,

Plaintiff,

v.

BUSINESS INFORMATION GROUP, INC.

Defendant.

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C.A. No.: 2:15-cv-6668 (DS)

CLASS ACTION

**MOTION FOR APPROVAL
OF DISTRIBUTION TO *CY PRES* RECIPIENTS**

Plaintiff Michael Kelly, by and through his undersigned counsel, hereby moves for the Court to approve *cy pres* awards and recipients pursuant to ¶¶ 2.4.4 and 2.8 of the Settlement Agreement in this case (ECF 99-2). The Settlement Agreement between the parties provides that a *cy pres* fund will be created which includes any residue of the Settlement Fund remaining for any reason, including checks that are not negotiated or are returned and remain undeliverable after 90 days following the mailing of the checks to Settlement Class Members pursuant to this Agreement. The parties have proposed that these *cy pres* funds be distributed, with the approval of the Court and after payment of additional administrative expenses, equally to the National Consumer Law Center (to be used solely for consumer financial education purposes) and StreetLaw.

Further support for the approval of the *cy pres* recipients is set forth in the accompanying Memorandum of Law.

WHEREFORE, Plaintiff respectfully requests that this Court approve the *cy pres* distributions set forth in the accompanying proposed Order.

Dated: November 16, 2020

Respectfully submitted,

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Attorneys for Plaintiff and Classes

CERTIFICATE OF SERVICE

I hereby certify that on the date below, I filed a true and correct copy of the foregoing via the Court's Electronic Case Filing System, which will send a notice of electronic filing to all counsel of record.

Date: November 16, 2020

s/ James A. Francis
James A. Francis